

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission	)	
On its own motion	)	
	)	Docket No. 06-0525
Consideration of the federal standard on	)	
interconnection in Section 1254 of the	)	
Energy Policy Act of 2005.	)	

**REPLY OF THE PEOPLE OF THE STATE OF ILLINOIS  
IN OPPOSITION TO THE AMEREN ILLINOIS UTILITIES'  
MOTION FOR LEAVE TO FILE COMMENTS INSTANTER**

The People of the State of Illinois, by and through Lisa Madigan, Attorney General of the State of Illinois and pursuant to the Illinois Commerce Commission's ("ICC" or the "Commission") Rules of Practice, 83 Ill. Admin. Code § 200.190, hereby reply to the Ameren Illinois Utilities' ("Ameren") Motion for Leave to File Comments Instanter filed on February 15, 2008 (the "Motion"). The People request that Ameren's Motion be denied because granting the Motion would prejudice the People and other parties in this proceeding. In support of this request, the People state the following:

1. Public Act 95-420 requires all electricity providers to begin offering net metering by April 1, 2008. 220 ILCS 5/16-107.5h. This same Act requires the ICC to develop interconnection standards and requires those standards to address procedural barriers, delays, administrative costs, and any safety and reliability issues associated with the interconnection of customer-owned generation. *Id.*
2. Over the past two years, ICC Staff has led a series of informal workshops to develop interconnection standards in Illinois and, after the net metering law was

enacted in August 2007, to promulgate an interconnection rule by the April 1, 2008 deadline established in the new net metering statute, at 220 ILCS 5/16-107.5(h).

3. On December 18, 2007, Administrative Law Judge Sainsot scheduled a status hearing in this proceeding on February 19, 2008, and stated that she expected Staff to informally circulate a draft emergency rule to interested parties before that hearing. Ameren did not file any comments opposing such a procedure or object to continuing informal discussions on an emergency rule.

4. Staff circulated a draft emergency rule on February 4, 2008 to all parties who had participated in the workshops and informal discussions held by Staff. Staff proposed one round of informal comments so that a Staff Report and emergency rule could be submitted to the ICC in a timeframe consistent with the April 1, 2008 deadline specified in the net metering statute. Staff asked any party wishing to offer comments to do so informally to the entire email list used by Staff to circulate the draft emergency rule. Informal comments were offered to Staff by several parties, including at least one party who has not yet requested formal leave to intervene in this proceeding.<sup>1</sup>

5. Ameren incorrectly asserts that no party would be prejudiced if Ameren were granted leave to file formal comments at this stage of the proceeding. Ameren Motion at paragraph 15. In fact, Ameren's Motion directly conflicts with the process established by Staff in this proceeding - on which all other parties relied. Staff

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<sup>1</sup> The People and the Environmental Law and Policy Center ("ELPC") sent informal comments to Staff on February 16, 2008 which addressed the merits of the draft emergency rule.

explicitly invited *informal* comments for its consideration and circulation among all the workshop participants.

6. Ameren's Motion prejudices those parties who responded in good faith to Staff's invitation for informal comments. All parties involved in these discussions after December 18th acted upon the assumption informal comments would be duly considered by Staff in the course of drafting an emergency rule to be proposed to the ICC in March, 2008. No party proposed filing comments on the e-Docket system, or asked Staff to reconsider its invitation for informal comments.

7. Illinois law requires that both net metering and interconnection standards be in place by April 1, 2008. Staff's proposed emergency rulemaking process allows sufficient time to meet that statutory deadline, but cannot accommodate Ameren's request to file formal comments.

WHEREFORE for the foregoing reasons the People request that Ameren's Motion be denied.

Respectfully submitted,

The People of the State of Illinois  
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